

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

GE HEALTHCARE BIO-)	
SCIENCES AB, GE)	
HEALTHCARE BIO-SCIENCES)	
CORPORATION, and GENERAL)	
ELECTRIC COMPANY,)	
)	
Plaintiffs,)	
)	
v.)	C.A. No. 18-1899-CFC
)	
BIO-RAD LABORATORIES, INC.,)	CONSOLIDATED
)	
Defendant.)	

STIPULATION TO EXTEND TIME

WHEREAS, the current deadline to complete depositions is April 30, 2020;
and

WHEREAS, the ongoing Covid-19 pandemic and associated restrictions on travel and movement, including for Plaintiffs' employees who live and work in Europe and for Defendant's employees who live and work in the San Francisco Bay Area, presents significant difficulties in completing the required depositions in this litigation by the current deadline, including significant difficulties in conducting remote depositions due to the time difference between the U.S. and Europe, where Plaintiffs' employees reside; and

WHEREAS, four of Defendant’s counsel and two of Plaintiffs’ counsel in this case are currently subject to California’s indefinite stay-home Executive Order (See Executive Order N-33-20, <https://covid19.ca.gov/img/Executive-Order-N-33-20.pdf>; California Coronavirus (COVID-19) Response, <https://covid19.ca.gov/stay-home-except-for-essential-needs/>); and

WHEREAS, this Court issued a Standing Order to address the type of situation present in this case by allowing for scheduling adjustments “necessitated by reasonable and fact-based travel, health or safety concerns, or advice or directives of public health officials” (Standing Order (March 18, 2020)); and

WHEREAS, the claim construction hearing was postponed, but not yet rescheduled;

NOW, THEREFORE, the parties stipulate and agree, subject to the approval of the Court, that the below case deadlines shall be changed as follows:

Event	Current Date	New Date
Markman Hearing	–	To be set by Court.
Fact Discovery Cut Off	April 30, 2020	June 30, 2020
Opening Expert Reports	June 11, 2020	August 18, 2020
Rebuttal Expert Reports	July 10, 2020	September 15, 2020
Reply Expert Reports	July 31, 2020	October 13, 2020

Deadline for Expert Deposition Cut Off	August 28, 2020	November 10, 2020
Case Dispositive Motions	October 1, 2020, responsive briefs 28 days after motions and for reply briefs 14 days after responsive briefs.	December 15, 2020, responsive briefs 28 days after motions and for reply briefs 14 days after responsive briefs.

The parties further respectfully request the Court set a date for the claim construction hearing. Given the rapidly evolving circumstances related to the Covid-19 pandemic, which the parties will continue monitoring, the parties may have to revisit deadlines further.

Plaintiffs respectfully request that the pre-trial conference (March 11, 2021) and trial (March 22, 2021) shall, if they remain convenient for the Court, remain unchanged. Plaintiffs make this request because the schedule changes have been driven by issues outside the parties control, as detailed above, and because all counsel have already reserved this time on their calendars. At the same time Plaintiffs recognize that that the Court may need to change these dates due to conflicts in its own calendar.

Defendant opposes this request. Given the rapidly evolving circumstances related to the Covid-19 pandemic and the Court's preference that "[s]hould the parties stipulate or otherwise request to have their dispositive motion deadline extended, and a trial date is currently set on the court's calendar in the case, the

parties will lose their trial date upon the court's granting the extension" and that "[n]o new trial date will be given until the dispositive motion(s) have been decided," Defendant requests that the pre-trial conference and trial dates be suspended in light of the parties' stipulated extension which sets the completion of case dispositive motion briefing for January 26, 2021. Defendant proposes that the parties submit letter briefs on this issue, should the Court require more information.

/s/ John W. Shaw

John W. Shaw (No. 3362)
Nathan R. Hoeschen (No. 6232)
SHAW KELLER LLP
I.M. Pei Building
1105 North Market Street, 12th Floor
Wilmington, DE 19801
(302) 298-0700
jshaw@shawkeller.com
nhoeschen@shawkeller.com
Attorneys for Plaintiffs

/s/ Alan R. Silverstein

David E. Moore (No. 3983)
Bindu A. Palapura (No. 5370)
Alan R. Silverstein (No. 5066)
Tracey E. Timlin (No. 6469)
POTTER ANDERSON & CORROON LLP
Hercules Plaza, 6th Floor
1313 N. Market Street
Wilmington, DE 19801
(302) 984-6000
dmoore@potteranderson.com
bpalapura@potteranderson.com
sobyne@potteranderson.com
asilverstein@potteranderson.com
ttimlin@potteranderson.com
Attorneys for Defendant

Dated: April 8, 2020

IT IS SO ORDERED THIS ____ day of _____, 2020,

United States District Judge